



# Presentation to EOCJ Appropriations Subcommittee

Utah Commission on Criminal and Juvenile Justice

January 30, 2019

# Outline

1. Agency Overview
2. Successes
3. Proposed LFA Budget Adjustments
4. Performance Measures
5. Building Blocks

# 1. Agency Overview

- Coordinates criminal and juvenile justice policy among the various branches and levels of government
- Conducts on-going research and seeks to implement justice programming using evidence-based practices
- Manages Utah's Victim Compensation Fund to assist the recovery of those victimized by violent crime
- Directs grant funding to strengthen criminal justice policy
- Coordinates judicial nominating commissions throughout the state
- Assists Utah in meeting obligations in providing indigent defense
- Prepares judicial evaluations for use by judges for self-improvement and by voters for retention elections

# Agency Overview cont.

## ► Affiliated Entities:

- ✓ Utah Substance Use and Mental Health Advisory Council
- ✓ Sentencing Commission
- ✓ Utah Board of Juvenile Justice/Juvenile Justice Oversight Committee
- ✓ Office of Domestic and Sexual Violence
- ✓ Utah Office for Victims of Crime
- ✓ Judicial Performance Evaluation Commission
- ✓ Indigent Defense Commission

## 2. Successes

- **CCJJ and the USAAV+ Council** successfully completed reports required by S.B. 205
- **CCJJ** provided direct support through grants to over 250 public and private criminal justice providers throughout the state for a total of \$18.7 million. These grants include:
  - Statewide Law Enforcement - Direct Support Grants (82 Grants) - \$908,910 (Federal and State Funds): Statewide Drug and Major Crimes Task Force Grants (17 Grants) - \$1,824,067 (State Funds)
  - Utah Indigent Defense Commission (3 Grants) - \$795,000 - (Federal Funds)
  - Utah Prosecution Case Management System (1 Grant) - \$1,235,000 (Federal Funds)
  - Jail Risk and Needs Screening Grant (2 Grants) - \$786,400 (State Funds)
  - Utah Naloxone - Opioid Program (2 Grants) - \$500,000 (Federal Funds): Hospital Response Team Grants (2 Subgrants) - \$150,000 (State funds)
  - SAKI Fund Grants - (5 Subgrants) - \$2.2 million (Federal funds)

# Successes Cont.

- The **Juvenile Justice Oversight Committee** (JJOC) is actively working with stakeholders, including JJS, DHS, and the Courts to monitor the implementations of HB239. JJOC issued the first annual report with full data; the report is available on CCJJ's website.
- The **Sentencing Commission** created and published the Supervision Length Guidelines, a first-of-it's-kind document that governs the length of probation and parole, sets goals for early release or termination of supervision, and provides the basis for the extension of supervision when there is a public safety concern. The goal is to create a more uniform and evidence-based approach to supervision throughout the state.
- The **Sentencing Commission** updated the Master Offense List to include all the new crimes and legislative changes from 2018.

# Successes Cont.

- **HB 177 implementation:** Administration oversight of Direct Services/Board of Pardons & Parole Victim Advocacy Program and Research/Data Collection.
- **Domestic Violence Offender Task Force:** Implementing Intimate Partner Violence intervention services to be provided on a continuum of care according to offender risk levels and readiness for change and approving provider clinician qualifications.
- Review of 168 cases with the **SAKI** multi-disciplinary team, assistance with numerous case investigations which have resulted in 21 felony case filings. The Sexual Assault Kit Tracking system became operational in 2018. Survivors can now get real-time updates on where their sexual assault kit is in the process. SAKI has inventoried 3,943 sexual assault kits (SAK), completed processing on 2,761 SAKs, 1,111 CODIS profiles have been uploaded and and 436 CODIS hits have occurred to date.

# Successes Cont.

- In 2018, the **UOVC** paid 31,326 different dates of service for those needs for a total cost of \$6,201,873.17. Services such as funeral and burial, mental health counseling, safety related relocation services, medical and dental treatment for crime related injuries, spending a total amount of \$6,425,482.91.
  - ✓ Started a Survivor Driven Housing pilot program by awarding \$2 million to 11 agencies to provide rental and utility assistance, and child-care and emergency housing for victims of crime in 2018.
  - ✓ The Children Justice Centers across the state added treatment services and contracted therapists to their agencies. We awarded a total of 11 agencies VOCA funds for this special treatment program. The total awarded dollars were \$1,513,405.87.



# Successes Cont.

- **IDC** funds are supporting improvements to indigent defense services in 12 counties and 4 cities. Many more counties and cities have requested and are planning to request help.
- Improvements with IDC funds include:
  - Increased independence of public defenders: moving oversight out of the prosecutor's office
  - Ensuring parents and minors are represented by attorneys specializing in those areas and not just doing them because they have to
  - Changing compensation structures to prevent attorneys' financial interests being pitted against their clients' due process rights
  - Increasing legal resources for a full defense by hiring investigators and experts, where appropriate
  - Ensuring clients have the right to appeal through separate contracts for appellate attorneys
  - Preventing conflicts of interest where defense attorneys have to represent opposing parties
  - Counties working collaboratively to provide indigent defense (regionalization) rather than have 29 separate systems
  - Expanding the use of social workers in child welfare cases, to improve outcomes of children and families. **And more!**

# Successes Cont.

- The **IDC** adopted guidelines for Utah's 184 indigent defense systems to provide constitutional indigent defense services.
- The **IDC** adopted guidelines for systems and appointed attorneys representing indigent parents in child welfare proceedings and those representing minors in delinquency proceedings.
- **JPEC** successfully implemented 2017 legislative changes during 2018 judicial retention period to produce retention evaluations for 47 judges and midterm evaluations for 64 judges.
  - In 2018, **JPEC** nearly doubled the number of voters viewing judicial performance information on JPEC's website (98% increase) over 2016, with 146,439 pageviews.
  - Issued **JPEC's** first *Report to the Community* with summary process and outcome measures.

# 3. Proposed LFA Budget Adjustments

## ➤ USAVV+ (\$185,600) general fund

- **LFA Description:** LFA recommends replacing general fund for USAVV+ with the CVR fund. This recommendation is made because the ending balance in the CVR fund has increased from \$2.7 to \$4.2 million between fy15 and fy18.
- **Response:** During the 2002 5<sup>th</sup> special session the legislature replaced general fund for CCJJ with the CVR fund with promises to reverse this in a future appropriation. This did not occur until fy15. CCJJ objects using funds that are meant for victims for general government operations. Such an action would require an amendment to current statute (UCA 51-9-404).

## ➤ USAVV+ \$185,600 CVR fund

- **LFA Description:** Same as above
- **Response:** A 2002 actuarial study recommended that the minimum balance in the CVR fund should be maintained at \$8 million. Compensation caps for certain victim services have been reduced. 63M-7-506(i) directs that deposits over the “sufficient reserve” be allocated to victim services.

# Proposed LFA Budget Adjustments Cont.

- **Judicial Performance Evaluation Commission (\$130,000)**
  - **LFA Description:** If the sub-committee does not approve the \$60,000 building block request for a computerized tracking system then the LFA recommends reducing JPEC's budget by \$130,000 onetime.
  - **Response:** If the building block is not funded then JPEC will need the \$130,000 for a partial solution in order to evaluate judges efficiently and to track JPEC's performance measures.
  
- **Juvenile Justice Oversight Board (CCJJ) (\$221,500)**
  - **LFA Description:** LFA recommends abolishing funding allocated to CCJJ, which was authorized by the fiscal note related to HB239.
  - **Response:** "Costs for the Commission on Criminal and Juvenile Justice (CCJJ) could increase by \$221,500 ongoing and \$25,900 one-time from the General Fund beginning in FY 2019 to oversee the Juvenile Justice Reform Program, coordinate performance, and evaluate implementation." CCJJ did not get the \$25,900 one-time funding. CCJJ does not support the LFA position. CCJJ has spent \$121,000

# 4. Performance Measures

Line Item	Measures
CCJJ	<ul style="list-style-type: none"><li>• Percent of victim claims processed within the last 30 days or less (Target=75%; Results=59%)</li><li>• Number of grants monitored (Target=84%; Results=65%)</li><li>• Percent of offenders booked and screened into larger county jails* (Target=65%; Results=74%)</li></ul>
Indigent Defense	<ul style="list-style-type: none"><li>• Percentage of indigent defense providers identified (Target=90%; Results=90%)</li><li>• Identify existing baseline budgets for indigent defense providers (Target=80%; Results=100%)</li><li>• Develop website for reporting statutorily-mandated information about the Commission and state indigent defense services (Target=80%; Results=100%)</li></ul>
Jail Reimbursement	<ul style="list-style-type: none"><li>• Percent of the 50 percent avg. daily incarceration rate paid to counties (Target=87%; Results=83%)</li></ul>

\*Includes Salt Lake, Utah, Cache, Weber, and Washington County

## 5. Building Blocks

- Indigent Defense Commission: \$5 million ongoing
- Judicial Evaluation Performance: \$60,000 ongoing
- Extraditions \$70,000: ongoing
- Grant Management System: \$79,900 onetime fy19
- Jail Reimbursement: \$3 million ongoing

**BUILDING BLOCK PRIORITY 1**  
**\$5,000,000 ONGOING FY20 APPROPRIATION**  
 FUNDING SOURCE: GENERAL FUND



**Utah Indigent  
Defense Commission**  
**IDC.UTAH.GOV**

*In all criminal prosecutions, the accused shall ... have the assistance of counsel for his defense.*  
 – The 6<sup>th</sup> Amendment to the U.S. Constitution

**The Utah Indigent Defense commission protects Constitutional liberties through ongoing support for effective indigent defense services throughout the state.**



## **Why is the Governor's \$5m for indigent defense a big deal for Utah?**

- **Media attention.** Local (SLTrib, Deseret News, Ogden Standard Examiner) & national (US News & World Report, AP, and media from San Francisco to New York).
- When Utah created the IDC in 2016, it became the 49<sup>th</sup> state to provide state-indigent defense funding. Utah remains in the bottom 20% of state-funding nationwide.
- \$5m is a critical and measured improvement that will help the IDC and local governments identify a long-term Utah Solution to indigent defense.



## **How will the IDC use \$5m to continue improving indigent defense in Utah?**

- **TO PREVENT CONSTITUTIONAL SETBACKS.** In FY20 \$3.9m in IDC grants to 13 local governments end, but not the need for continued support and funding to maintain critical improvements.
- **TO FUND SB32.** \$725,500 in IDC funding will ensure all minors have counsel and help counties pay attorneys for additional representation in juvenile misdemeanor cases (~1,500 statewide).
- **TO EXPAND IDC-IMPACT.** The IDC is a statewide agency that must provide ongoing support to all local governments needing help improving indigent defense services. Currently 60% of counties and 90% cities are unable to receive IDC funding.
- **TO SUPPORT RURAL AREAS.** With few local attorneys, geographic isolation, and low tax bases, IDC funds help: bring attorneys for juvenile/appellate specialization, balance case-loads, increase defense resources, and encourage inter-county collaboration/regionalization. Current Grantees: Uintah, Daggett, Duchesne, Juab, Millard, Sanpete, Sevier, Wayne & Nephi City.
- **TO IMPROVE SERVICES IN URBAN AREAS.** With large caseloads and inconsistent practices, IDC funds increase attorneys, spread caseloads, train attorneys, and improve oversight. Current grantees: Utah, Salt Lake, and Summit Counties, Ogden, Lindon, and Pleasant Grove cities.
- **TO ADDRESS PERSISTENT DEFICIENCIES.** Many of Utah's 185 local indigent defense systems continue to put state/local govt's at risk by failing to meet Constitutional requirements. The IDC wants to work with all local systems to help protect the state and its indigent individuals.





# JUDICIAL PERFORMANCE EVALUATION COMMISSION



## BUILDING BLOCK PRIORITY #2

\$60,000 ONGOING APPROPRIATION FY20

FUNDING SOURCE: GENERAL FUND

### Background

The Judicial Performance Evaluation Commission (JPEC) was created by the Legislature in 2008:

- To provide voters with valid information about each judge's performance so they may make informed decisions in judicial retention elections;
- To provide judges with useful feedback about their performance so they may become better judges and thereby improve the quality of the judiciary; and
- To promote public accountability of the judiciary.

JPEC is an independent, bipartisan commission with 13 volunteer commissioners appointed by the Governor, the Utah Legislature, and the Utah Supreme Court.

JPEC gathers information from attorneys, court staff, juvenile court professionals, jurors, court participants, courtroom observers, the Administrative Office of the Courts, the Utah Supreme Court, and the public. That information is analyzed and assembled into performance evaluation reports, forming the bedrock of JPEC's evaluation process.

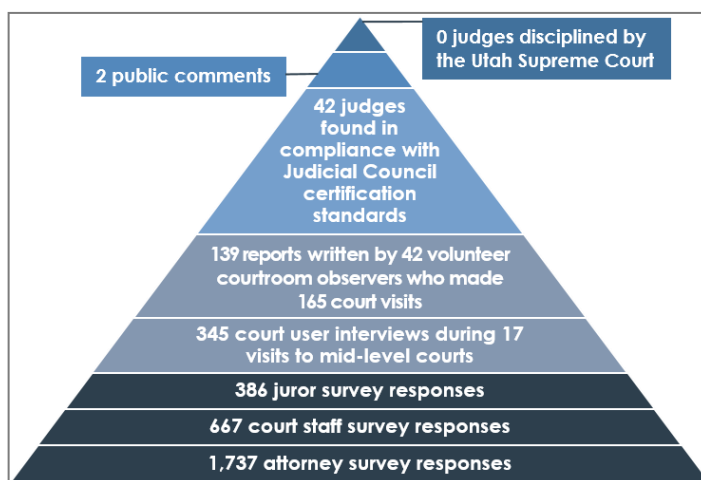
JPEC has built a thorough and effective judicial evaluation system that has become a model for other states. Performance evaluation is an integral part of judicial merit selection and retention in Utah. Public engagement with JPEC's published material increases dramatically every election year.

The greatest risk to JPEC's continued success is that it has no automated tracking system for the many component parts of judicial performance evaluation. Instead, it relies heavily on human memory and skill for completion of evaluation tasks.

Performance evaluation systems, like human resource systems, should not rely primarily on human memory or error-prone processes that could result in negative consequences to an employee or judge.

JPEC is entering a catch-up growth phase, where its infrastructure lags behind its program successes.

The request seeks to remedy that deficit by bringing basic business systems up to programmatic capacity.

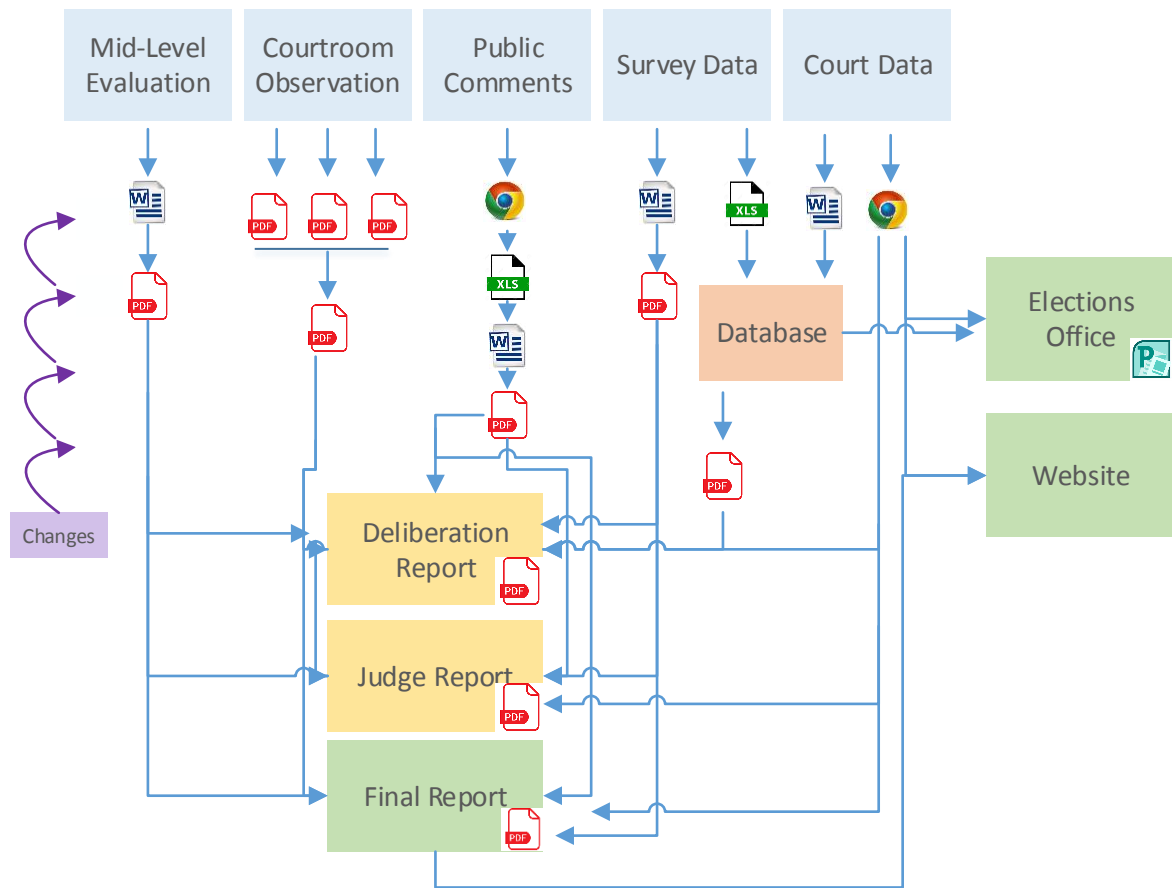


**Figure 1. Information gathered for the 2018 retention reports.** JPEC also gathered information for judges with different retention election years, including midterm reports.

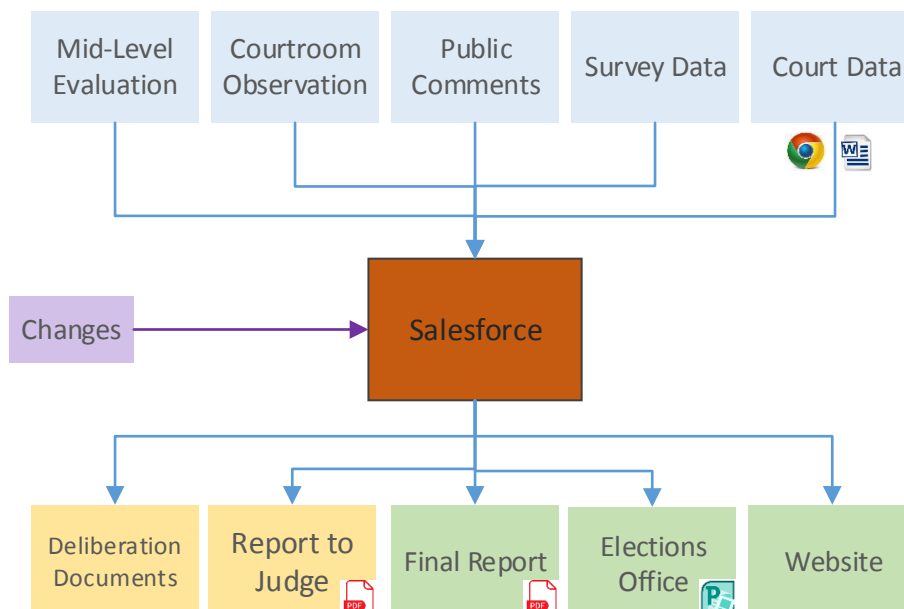
### Recommendation

- The Governor recommends \$60,000 in an ongoing appropriation to allow JPEC to purchase a computerized tracking system.
- JPEC will use \$130,000 in non-lapsing funds for necessary software configuration.
- The requested appropriation is for ongoing licensing fees and minimal technical support.
- Implementing Salesforce will provide a standardized foundation to gather, track, secure, and analyze all information necessary for judicial performance reporting. This stable foundation is something every evaluation system should be able to afford to those it evaluates.
- If the request is not approved, JPEC will use the \$130,000 toward a partial solution.

## Current Process



## Future Process



## EXTRADITIONS



### BUILDING BLOCK PRIORITY 3

\$70,000 ON-GOING APPROPRIATION FY20

FUNDING SOURCE: GENERAL FUND

### Background

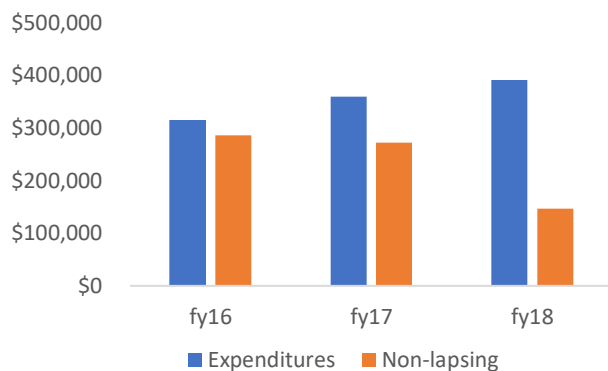
The Commission on Criminal and Juvenile Justice is responsible for scheduling and paying for the extradition of felony fugitives back to Utah to face criminal charges. The purpose of this program is to ensure public safety, and to hold offenders accountable for their crimes.

In FY 2018, a total of \$390,500 was expended for the extradition program of which \$75,000 was funded from non-lapsing balances (seen in figure 1). Additional funding would provide the ability to meet the growing cost of services. Between FY 17 and FY 18 the average cost to extradite an offender increased from \$1,452 to \$1,580 (a 9% increase).

### Recommendation

The Governor recommends an on-going appropriation of \$70,000 for FY20 from the General Fund to support Extraditions. This supplements on-going money.

**Figure 1: Expenditures and Non-lapsing funds:  
Fy2016-18**





# GRANT MANAGEMENT SYSTEM

## BUILDING BLOCK PRIORITY 4

\$79,900 ONE-TIME APPROPRIATION FY19

FUNDING SOURCE: GENERAL FUND

### Background

The Commission on Criminal and Juvenile Justice (CCJJ) is tasked with coordinating statewide efforts to reduce crime and victimization in Utah. Part of how CCJJ fulfills that mission is through the stewardship of state and federally funded grant programs. The Commission's grant process, which includes both the Indigent Defense Commission (IDC) and the Utah Office for Victims of Crime (UOVC), is the focus of this request. CCJJ has been reporting on this system since Fiscal Year 2013. A new Enterprise Grants Management System (EGMS) is the focus of this request.

In order to effectively and efficiently administer and manage CCJJ's grant programs, CCJJ and their sub-agencies (IDC and UOVC), historically, have shared an online Grants Management System (GMS). Because this system was developed in-house, it is not an enterprise system.

The new grant management system will be integrated with the state accounting system (FINET). This would provide value to the state by implementing standardized, accurate and efficient reporting for State and Federal grantee and grantors.

UOVC made the switch to EGMS in January 2018. If this request is funded, it is anticipated that CCJJ and IDC could switch to EGMS in the spring of 2019.

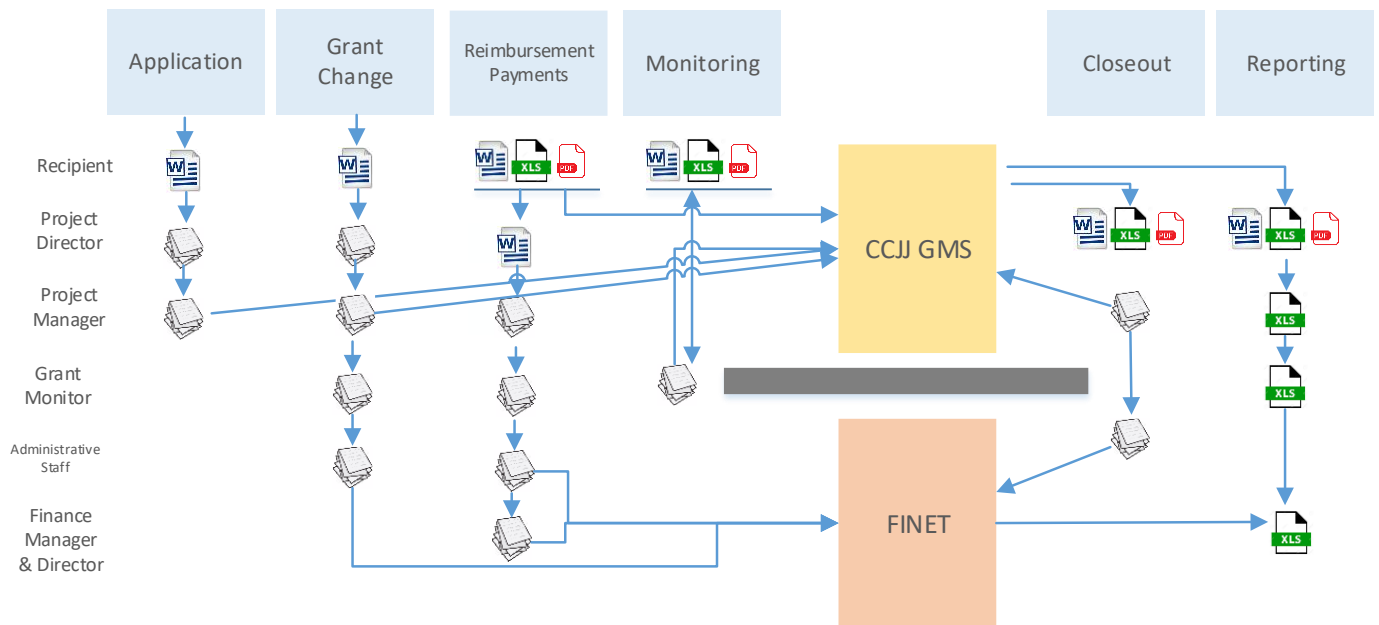
Some of the efficiency enhancements of switching to the EGMS system include:

- **Post Finet integration payment timesaving:** The current manual payment process takes up to 20 minutes total for one subgrantee payment. This will be reduced to less than one minute per subgrantee payment with the automation of Finet integration. This will save over 33 personnel-hours per quarter.
- **Success Program Data automation:** The data collection ability of EGMS will produce a timesaving to the manual entry process of the Success Program reporting. What currently takes one of our program managers several hours to do each quarter will take a matter of minutes.
- **Subgrantee User Report for CCJJ's Annual Report and day-to-day monitoring timesaving:** The user report currently is a manual data extraction process that takes approximately eight personnel hours to complete. With the automated custom reporting abilities of EGMS, this will be reduced to a matter of minutes.
- **Federally required risk assessment:** The current GMS system does not have a risk assessment function. The EGMS system has a built-in risk assessment tool that follows through the life of the grant. This tool is used in reporting, monitoring and funding decision-making.

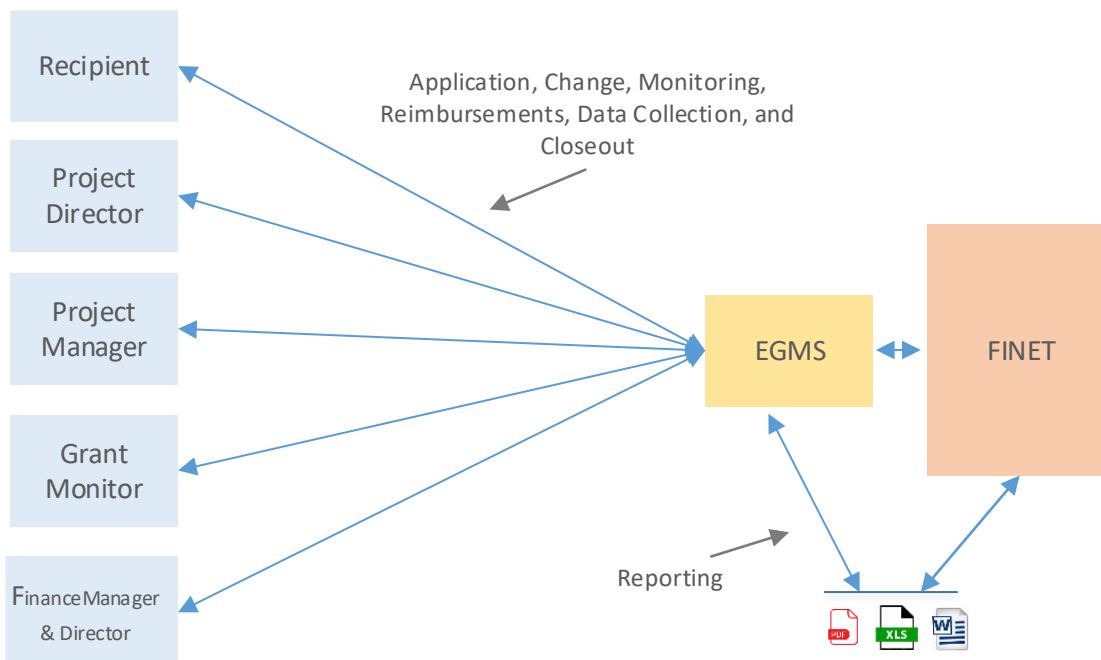
### Recommendation

The Governor recommends a one-time appropriation of \$79,900 for FY2019 from the General Fund for the grant management system.

## Current Process



## Future Process



# JAIL REIMBURSEMENT



## BUILDING BLOCK PRIORITY 5

\$3,000,000 ON-GOING APPROPRIATION FY20

FUNDING SOURCE: GENERAL FUND

## Background

The Jail Reimbursement Program provides reimbursement to Utah counties for days spent in county jails by offenders sentenced to jail as a condition of felony probation or by parolees who are held in jail. Under the current statute, the Commission on Criminal and Juvenile Justice (CCJJ) is responsible for the management of the program and the State Division of Finance for making payments to the counties out of funds appropriated for this purpose.

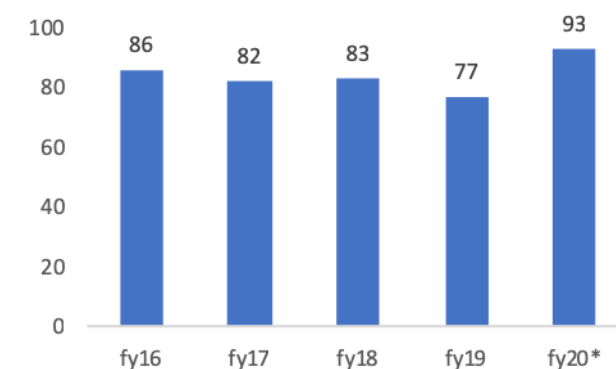
The statute sets the daily jail reimbursement rate at 50% of the daily incarceration rate as determined by the Department of Corrections or whatever is appropriated by the Legislature. At the end of each fiscal year, the Department of Corrections computes the average daily incarceration rate which is based on the last 3 fiscal years. Statute requires that the amount paid to each county shall be calculated on a pro rata basis, based on the average number of inmate days for the preceding five state fiscal years.

In fy 2019, the Legislature appropriated \$13,947,100, a reduction of \$1,725,000 from fy2018.

## Recommendation

The Governor recommends an additional on-going appropriation of \$3,000,000 for FY20 from the General Fund to support jail reimbursement. Funding this request would allow counties to be reimbursed at 93% of the statutory rate (seen in figure 1).

**Figure 1. Percent of statutory rate:  
fy16-20\***



\*Estimate